

REMARKS

Claims 12-13, 18-26, 44-49 and 52-120 are pending. Claims 121-129 have been canceled. No new matter is added by the amendments.

Applicants respectfully request reconsideration of the pending rejections based on the amendments and the following comments.

Double Patenting

The Examiner has provisionally rejected claims 12-13, 18-26, 44-49, 55-67, 71-82, 84-96 and 100-102 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-3, 8-17 and 19-54 of co-pending U.S. Patent Application No. 11/005,445. Without acquiescing to the propriety of the rejection, submitted concurrently herewith is are executed Terminal Disclaimers for filing in connection with the above-referenced application. *See* MPEP § 804.02; *Quad Environmental Technologies Corp. v. Union Sanitary District*, 949 F.2d 870 (Fed Cir. 1991). Therefore, the rejection is obviated. Applicant respectfully submits that submission of the Terminal Disclaimers places the application in condition for allowance.

Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

A fee for an extension of time, for a period of three months, will be paid via EFS Web. The Commissioner is hereby authorized to charge any other required fee to Jones Day Deposit Account No. 50-3013.

If the Examiner believes it would be useful to advance prosecution, the Examiner is invited to telephone the undersigned at (858) 314-1200.

Respectfully submitted,

Date: July 24, 2008



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